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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/754,410	01/03/2001	Hal Cohen	D7148-00002	3124

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EXAMINER

WILLETT, STEPHAN F

ART UNIT	PAPER NUMBER
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2141

DATE MAILED: 07/12/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/754,410

Applicant(s)

COHEN, HAL

Examiner

Stephan F Willett

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 April 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9, 12-22, 24 and 30-36 is/are rejected.
- 7) ☐ Claim(s) 10, 11, 23 and 25-30 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 3.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Allowable Subject Matter

1. Claims 10-11, 23, 25-30 are objected to as being dependent upon a objected/rejected base claim(s).

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
2. Claims 1, 17, 27 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The “sensing when two or more persons come in contact” in an “electronic medium” is unclear. The “sensing when two or more persons come in contact” by “storing” is unclear since storing is not correlate to sensing. The “unique code” that enables “matching pairs of users” is unclear since the codes do not correlate to matching users. The “unique codes which correspond to persons encountered” is unclear since the codes do not correlate to persons, but their contact. The “contact other electronically” is unclear.
- 3.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U. S.C. 102(e) that form the basis for the rejections under this section made in this Office action:

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

2. Claims 1-8, 12, 16-17, 22, 31-32, 34 are rejected under 35 U.S.C. 102(e) as being anticipated by Cheng with Patent Number 6,396,509.

1. Regarding claim(s) 1, 17, 31, 34, Cheng teaches sensing when two or more persons come in contact with one another, col. 11, lines 21-24 and storing a unique code or users' identification as "disposed in a gaze cone", col. 11, lines 24-28, or activation "based on the identity of the partner", col. 17, lines 6-12 in transceiver units, col. 6, lines 35-36 to store and communicate data between persons/participants, col. 5, lines 37-46. Cheng teaches providing an electronic medium for entering codes/gazes/identities/etc. for transceivers/participants, col. 10, lines 53-59; col. 17, lines 6-12 that identify participants in the network. Cheng teaches randomly matching pairs of users based on a program, col. 14, lines 64-66, and at levels, col. 15, lines 14-15. Cheng teaches a PC, col. 6, lines 57-58. Cheng teaches a server over a network with users associated with PCs, col. 5, lines 23-33.

2. Regarding claim(s) 2, Cheng teaches the electronic medium of a PC, col. 6, lines 57-58.

3. Regarding claim(s) 3, 16, Cheng teaches the electronic medium of a server over a network with users associated with PCs, col. 5, lines 23-33.

4. Regarding claim(s) 4, 32, Cheng teaches generating levels of matching as rules/priorities/conditions, col. 14, lines 43-45. Cheng teaches users matching certain levels to

contact or interact with each other, col. 14, lines 45-55 and col. 15, lines 14-15. Cheng teaches users not matching certain levels to contact or interact with each other as “fail”, col. 14, lines 62-63.

5. Regarding claim(s) 5, 7, Cheng teaches memory, buffers and registers as “volatile memory”, col. 6, lines 58-60 and a display screen or GUI to display codes or users identities, col. 6, lines 65-66 such as a “face”, col. 17, lines 19-20.

6. Regarding claim(s) 6, Cheng teaches a timer circuit, col. 13, lines 1-3; col. 16, lines 15-17, and a logic circuit to manipulate codes/identities, col. 15, lines 1-3.

7. Regarding claim(s) 8, Cheng teaches a unique code/identifier associated with the transceiver/object/identity, col. 24, lines 6-7 so that the transceiver/object/identity can be identified for communication purposes.

8. Regarding claim(s) 12, Cheng teaches users to contact one another through chatting, col. 32, lines 3-6.

9. Regarding claim(s) 22, Cheng teaches users preferences, col. 17, lines 44-45, 53-57.

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 9, 13, 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cheng with Patent Number 6,396,509.

12. Regarding claim 9, 24, the Cheng patent discloses the method of the preceding claims. The Cheng patent does not explicitly disclose generating a random number and matching random numbers to permit users to contact one another. However, Official Notice is taken MPEP 2144.03 (a)) that generating a random number and matching random numbers to permit users to contact one another is well known in the art to insure random selection. It would have been obvious to one of ordinary skill in the art at the time of the application's invention to generate a random number and match random numbers to permit users to contact one another to obtain the advantages of legacy matching techniques. Therefore, by the above rational, the above claims are rejected.

13. Regarding claim 13, the Cheng patent discloses the method of the preceding claims. The Cheng patent does not explicitly disclose using a hyperlink to access a chat program. However, Official Notice is taken MPEP 2144.03 (a)) that generating a hyperlink to access a chat program is well known in the art to insure user friendly access. It would have been obvious to one of ordinary skill in the art at the time of the application's invention to use a hyperlink to access a chat program to obtain the advantages of legacy access techniques. Therefore, by the above rational, the above claims are rejected.

14. Claims 14-15, 18-21, 33, 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cheng with Patent Number 6,396,509 in view of Angell, Jr. with Patent Number 6,368,218.

15. Regarding claim(s) 14, Cheng teaches sensing when two or more persons come in contact with one another, col. 11, lines 21-24 and storing a unique code or users' identification as

“disposed in a gaze cone”, col. 11, lines 24-28, or activation “based on the identity of the partner”, col. 17, lines 6-12 in transceiver units, col. 6, lines 35-36 to store and communicate data between persons/participants, col. 5, lines 37-46. Cheng teaches providing an electronic medium for entering codes/gazes/identities/etc. for transceivers/participants, col. 10, lines 53-59; col. 17, lines 6-12 that identify participants in the network. Cheng teaches randomly matching pairs of users based on a program, col. 14, lines 64-66. Cheng teaches generating levels of matching as rules/priorities/conditions, col. 14, lines 43-45. Cheng teaches users matching certain levels to contact or interact with each other, col. 14, lines 45-55 and col. 15, lines 14-15. Cheng teaches users not matching certain levels to contact or interact with each other as “fail”, col. 14, lines 62-63. Cheng teaches the invention in the above claim(s) except for explicitly teaching matched users to contact each other through a game program. In that Cheng operates to match users, the artisan would have looked to the network conferencing arts for details of implementing areas to match users. In that art, Angell, Jr, teaches “the server assigns a ticket to the player”, col. 2, lines 50-51 in order to provide identity to a user or their transceiver. Angell, Jr. specifically teaches “the game room is occupied with other players who have also connected to the server”, col. 2, lines 56-57. Further, Angell, Jr. suggests “the assignment process performed by the server can be random”, col. 2, lines 54-55 which will result from implementing his gaming program. The motivation to incorporate matching users to contact each other through a game program insures that purely random assignment is supported in gaming. Thus, it would have been obvious to one of ordinary skill in the art to incorporate the matching of users to contact each other through a game program as taught in Angell, Jr. into the matching system described in the Cheng patent

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because Cheng operates with games and Angell, Jr. suggests that optimization can be obtained also with gaming. Therefore, by the above rational, the above claim(s) are rejected.

16. Regarding claim 15, the Cheng patent discloses the method of the preceding claims. The Cheng patent does not explicitly disclose using a hyperlink to access a chat program. However, Official Notice is taken MPEP 2144.03 (a)) that generating a hyperlink to access a chat program is well known in the art to insure user friendly access. It would have been obvious to one of ordinary skill in the art at the time of the application's invention to use a hyperlink to access a chat program to obtain the advantages of legacy access techniques. Therefore, by the above rational, the above claims are rejected.

17. Regarding claim(s) 18-20, 36, Cheng teaches sensing when two or more persons come in contact with one another, col. 11, lines 21-24 and storing a unique code or users' identification as "disposed in a gaze cone", col. 11, lines 24-28, or activation "based on the identity of the partner", col. 17, lines 6-12 in transceiver units, col. 6, lines 35-36 to store and communicate data between persons/participants, col. 5, lines 37-46. Cheng teaches providing an electronic medium for entering codes/gazes/identities/etc. for transceivers/participants, col. 10, lines 53-59; col. 17, lines 6-12 that identify participants in the network. Cheng teaches randomly matching pairs of users based on a program, col. 14, lines 64-66. Cheng teaches generating levels of matching as rules/priorities/conditions, col. 14, lines 43-45. Cheng teaches users matching certain levels to contact or interact with each other, col. 14, lines 45-55 and col. 15, lines 14-15. Cheng teaches users not matching certain levels to contact or interact with each other as "fail", col. 14, lines 62-63. Cheng teaches the invention in the above claim(s) except for explicitly teaching registering users/device and password security for users/vendors. In that Cheng operates to match users, the

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artisan would have looked to the network conferencing arts for details of implementing areas to match users. In that art, Angell, Jr, teaches "the server assigns a ticket to the player", col. 2, lines 50-51 in order to provide identity to a user or their transceiver. Angell, Jr. specifically teaches "establishing an account" and "a log-in password to maintain security", col. 2, lines 38-39, 45-46 and server administration of data bases, col. 2, 4, lines 46-48, 63-67. Further, Angell, Jr. suggests "the assignment process performed by the server can be random", col. 2, lines 54-55 which will result from implementing his gaming program. The motivation to incorporate registering users/device and password security insures the gaming is trusted. Thus, it would have been obvious to one of ordinary skill in the art to incorporate the registering users/device and password security as taught in Angell, Jr. into the matching system described in the Cheng patent because Cheng operates with games and Angell, Jr. suggests that optimization can be obtained also with secure gaming. Therefore, by the above rational, the above claim(s) are rejected.

18. Regarding claim 21, 33, 35 the Cheng patent discloses the method of the preceding claims. The Cheng patent does not explicitly disclose registering encounters. However, Official Notice is taken MPEP 2144.03 (a)) that registering encounters is well known in the art to insure user relevant databases. It would have been obvious to one of ordinary skill in the art at the time of the application's invention to register encounters to obtain the advantages of an accurate database. Therefore, by the above rational, the above claims are rejected.

Conclusion

19. Prior art made of record and not relied upon is considered pertinent to applicant's disclosure is disclosed in the Notice of References Cited. A close review of the Migholl

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reference with Patent Number 5,918,013, Kikinis reference with Patent Number 6,535,922 and Kikinis reference with Patent Number 6,553,410 is suggested. The other references cited teach numerous other ways to implement cost metrics, thus a close review of them is suggested.

20. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephan Willett whose telephone number is (703) 308-5230. The examiner can normally be reached Monday through Friday from 8:00 AM to 6:00 PM.

21. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia, can be reached on (703) 305-4003. The fax phone number for the organization where this application or proceeding is assigned is (703) 746-7239.

22. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-9605.



July 6, 2004

Stephan Willett

Patent Examiner